

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

IRVING J. MARQUEZ,

Plaintiff,

v.

Civ. 11-CV-838 JAP/WDS

BOARD OF COUNTY COMMISSIONERS OF
EDDY COUNTY, VICTOR E. MARTINEZ JR., DARREN JONES,
ERNEST J. MENDOZA in his individual capacity and
in his official capacity as the elected Sheriff of the Eddy
County Sheriff's Department, RUTH ANN WALKER,
SHAWN FUNK in his Individual capacity and in his official capacity as
the acting warden of the Eddy County Detention
Center, SAL REY SALCIDO, and DANETTE MARTINEZ,

Defendants.

ORDER GRANTING DEFENDANTS' MOTION TO STAY

This matter comes before the Court on Defendants' Motion to Stay Proceedings. (Doc. No. 42) Defendants seek a stay of proceedings while their Motion to Dismiss on the basis of qualified immunity is pending. Plaintiff does not object to the stay as long it does not prevent him from conducting discovery if the Motion to Dismiss is denied. Accordingly, the Court will grant Defendants' Motion to Stay (Doc. No. 42), vacate all of its earlier scheduling orders, and order that this matter is stayed until Defendants' Motion to Dismiss is resolved. If the motion is denied, the Court will convene a Rule 16 scheduling conference to set a new discovery schedule.

IT IS SO ORDERED.



W. Daniel Schneider
United States Magistrate Judge